

Notice of Allowability

Application No.

10/509,576

Examiner

Shafiqul Haq

Applicant(s)

KATAOKA ET AL.

Art Unit

1641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments and arguments filed 9/4/07.
2. ☒ The allowed claim(s) is/are 1-4 and 8-18, now renumbered as 1-15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 11/21/07.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Examiner's amendment

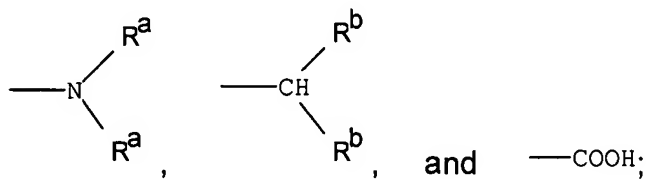
In Claims

1. Authorization for this examiner's amendment was given in a telephone interview with Amy E. Schmid on November 21, 2007.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
3. Claims 6 and 7 have been cancelled.
4. Claim 1 has been amended as follows:

In claim 1, after the terms "semiconductor fine particle", replace lines 7-11, with the following:

--X stands for a member forming a biological specific binding pair;

Y stands for a group selected from the group consisting of:



Wherein R^a each independently stands for hydrogen or C₁-C₆ alkyl; R^b each independently stands for a C₁-C₆ alkyloxy; or the two R^b's together stand for an atomic group forming oxy or an optionally C₁-C₆ alkyl-substituted ethylene group;--

In claim 1, line 21, after the phrase "surface to which above (A) particles can bind via X", delete the phrase "wherein X is a residue of a member forming a biological specific binding pair and wherein (B) sensor chip" and replace with the words -- wherein said biosensor chip--.

5. Claim 4 has been amended as follows:

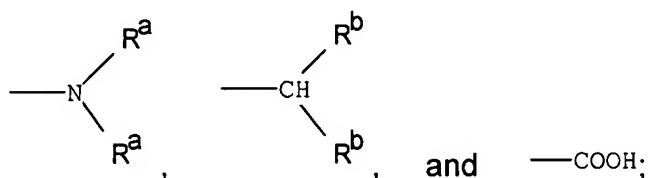
In claim 4, lines 1-2, replace the words "in which L in the structure formula I" with the words --wherein the linker group or the moiety that is capable of linking to PCL--.

6. Claim 10 has been amended as follows:

In claim 10, after the terms "semiconductor fine particle", replace lines 6-11, with the following:

--X stands for a member forming a biological specific binding pair;

Y stands for a group selected from the group consisting of:



Wherein R^a each independently stands for hydrogen or $\text{C}_1\text{-C}_6$ alkyl; R^b each independently stands for a $\text{C}_1\text{-C}_6$ alkyloxy; or the two R^b 's together stand for an atomic group forming oxy or an optionally $\text{C}_1\text{-C}_6$ alkyl-substituted ethylene group;--

In claim 10, lines 18-20, delete the phrase "X being a residue of a member to form a biological specific binding pair, Y being a group other than the residue of the member forming said biological specific binding pair, L standing for a group selected

from the group consisting of" and replace with --and L stands for a group capable of binding to PCL and is selected from the group consisting of--.

7. Claim 11 has been amended as follows:

In claim 11, lines 2-3 delete the words "a residue derived from a substance".

In specification

8. Specification (filed 9/29/04) has been amended as follows:

In specification, page 1, following the title, insert the following heading and paragraph:

RELATED APPLICATIONS

This is a US national phase filing under 35 U.S.C. § 371 of PCT/JP03/03504 filed March 24, 2003 and claims priority from JP 2002-101134 filed April 03, 2002.

Conclusion

9. Claims 1-4 and 8-18, now renumbered as 15 are allowed.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shafiqul Haq whose telephone number is 571-272-6103. The examiner can normally be reached on 7:30AM-4:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long V. Le can be reached on 571-272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

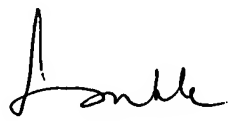
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Application/Control Number:
10/509,576
Art Unit: 1641

Page 5

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SHAFIQUL HAQ
EXAMINER
ART UNIT 1641


LONG V. LE 11/26/07
SUPERVISORY PATENT EXAMINER
ART UNIT 1641